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IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA

DEAUP HACKETT CLERK  
US DISTRICT COURT  
MIDDLE DISTRICT ALA

ALONZO AUSTIN, Executor for }  
Ruth H. Lewis, Estate }  
Plaintiff(s) }

vs. } CIVIL ACTION NO.

MODERN WARDMEN OF AMERICA } 3:07-CV-138-MHT-WC  
et al }  
Defendant(s) }

Motion for Summary Judgment by Plaintiff(s) in  
response to Motion to DISMISS by Defendant(s)

Plaintiff(s) Pursuant to RULE 56 of the Federal Rules  
of Civil Procedure, Moves the Court to enter Summary  
Judgment for the Plaintiff(s) on the grounds that there  
is no genuine issue as to any material fact, and the  
Plaintiff(s) is entitled to Judgment as a matter of Law

In Support of this Motion, Plaintiff(s) refers to  
the record in this action, including the Complaint,  
The answer to it and Plaintiff(s) attached affidavit  
and Exhibit "A".

*Alonzo Austin, pro se  
by Alonzo Austin, pro se*

Alonzo Austin  
1321 River-Carlos Rd.  
Tuscaloosa, AL 36083  
Ph# (334) 727-5476

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA

ALONZO AUSTIN, Executor, for |  
RUTH H. LEWIS, Estate |  
Plaintiff(s) |  
VS. | CIVIL ACTION NO. 3:07-CV-138-MHT-WC  
MODERN WOODMEN OF AMERICA |  
et al, |  
Defendant(s) |

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DEPARTMENT OF JUSTICE  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA

Affidavit in Support of Motion for Summary Judgment

STATE OF ALABAMA } ss.  
COUNTY OF MACON!

Alonzo Austin, who, being first duly sworn,  
deposes and says:

I - I am Alonzo Austin, and have personal  
knowledge of the facts set forth.

This affidavit is submitted in support of the  
Plaintiff(s) motion for Summary Judgment,  
for the purpose of showing that there is in  
this action no genuine issue as to any  
material fact, and that the Plaintiff(s)  
is entitled to judgement as a matter of law.  
No issue is constitutional in nature.

2 of 5

2. Plaintiff(s) received an "official Notification" from Defendant(s) (KAY IVEY, TREASURER, STATE OF ALABAMA.) Dated February 13, 2006

3. I was beside my self I say my interest on my Annuity Flash before my eyes What is This? I screamed to the top of my lungs. Angry is still not the word!! Who does Kay IVEY, thinks she is scamming me, out of my interest for the year Fiscal, - of 2006 and 1/2 of 2007, which is owed to me and I demand it as well as more information on the estate of Harold LOWE, and who was that and why was he on my account.

4. According to Mr. CHAD WRIGHT, via affidavit, Paragraph 2 states the following Relevant facts regarding Mr. Austin's assets were ALSO included in the report.

5th • \$1258.10 was reported with an owner in the name of "THE ESTATE OF HAROLD LOWE", Ms. Judy GACKLE 1<sup>st</sup> Affidavit Nor Does the 2<sup>nd</sup> AMENDED or Supplemental Affidavit Clear up this mess!! Actually it raises more question than answers.  
Conclusion! The scheme entered into

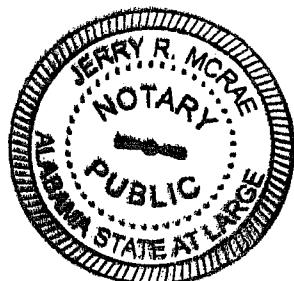
3 OF 5

by these two Defendants MODERN WOODMEN OF AMERICA and KAY IVEY, "STATE TREASURER OF ALABAMA" has back fired exposing Fraud and Corruption with respect to Mr. Lowe and Plaintiff(s) interest in Combination with their ~~Plan~~ to Convert Plaintiff(s) Active Annuity, interest bearing account, in to a dormant one. treating Plaintiff(s) interest bearing Annuity as of October 31, 2005 as Unclaimed Funds Please Give me a break bottom line Plaintiff(s), did not sign the Waiver, to his Rights under the Contract with MODERN WOODMEN OF AMERICA and Absent of a Signed Waiver, by the Plaintiff(s), Means the issue before the Court is a Constitutional one. See letter attached as Exhibit "A" and dated August 3, 2005 (UNDER COLOR OF STATE LAW)

by Alonso Austin, pro se  
Alonso Austin, pro se

Jerry R. McRae, Notary

Com. Expires 2-28-09



405

Exhibit A  
Copy

AUGUST 3, 2005  
ALONZO AUSTIN  
1321 Oliver-Carlis Rd.  
Muskeget, MA. 36083

ATTN: Linda J. Kendall  
LEGAL DEPARTMENT  
MODERN WOODSMAN OF AMERICA  
1701 1<sup>st</sup> Avenue  
P.O. Box 2005  
Rock Island IL 61204-2005  
via Certified mail

Dear Ms. Kendall;  
Re: Ruth Markless Lewis-Certificate # 6737108  
Reported Stolen by Agent and Beneficiary -  
EXCO Alonso Austin, (Please help me)  
(help you!!)

Your Letter dated July 25, 2005 was  
well received. Thanks for your concerns.  
However, I cannot in good conscious  
sign this Waiver as it is written!!!  
perhaps if it is modified, but only  
after the cause of death has truly  
been legally established along with  
the date and place.

Finally because of the stated reasons  
given above I am unable to fill  
out the "Claimant's Statement"  
as required prompting payment of  
certificate proceeds. In short an  
investigation must be conducted which will  
delay further these proceeds. Which is  
the real reason for the delay for settlement  
as I am without the necessary information!!

NOTE:

CERTIFICATE OF SERVICE

I do hereby Certify that I have this day Served a Copy of the foregoing Document upon.

Attny J. Michael Manasco  
P.O. Box 2510  
Montgomery, AL 36130-2510

via State House

by depositing same in the U.S. Mail postage pre-paid on the 10<sup>th</sup> day of April 2007

Alonzo Austin, pro se  
by Alonzo Austin, pro se  
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